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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DENNIS MCGINLEY, an individual,

Plaintiff,

vs.

99 CENTS ONLY STORES, LLC; DOES 1
through 100; and ROE CORPORATION 101
through 200, inclusive,

Defendant(s).

CASE NO.: 2:23-cv-01113-GMN-BNW

**STIPULATION TO
EXTEND DISCOVERY PLAN
AND SCHEDULING ORDER**
(THIRD REQUEST)

**SUBMITTED IN COMPLIANCE WITH
LR 26-3**

Plaintiff, DENNIS MCGINLEY (“Plaintiff”), by and through his attorneys, AMBER KING, ESQ. of HIGH STAKES INJURY LAW, and Defendant, 99 CENTS ONLY STORES LLC (“Defendant”), by and through its attorneys, LEW BRANDON, JR., ESQ., RYAN VENCI, ESQ. and DANIELLE KOLKOSKI, ESQ. of BRANDON | SMERBER LAW FIRM, stipulate and agree that the discovery schedule be extended pursuant to LR 26-3.

I. Discovery Conducted to Date (LR 26-4(a)):

1. Defendant’s Initial Disclosure of Witnesses and Documents served July 21, 2023.
2. Defendant’s First Set of Interrogatories to Plaintiff served on July 21, 2023.
3. Defendant’s First Set of Requests for Production of Documents to Plaintiff served on July 21, 2023.
4. Defendant’s First Set of Requests for Admissions to Plaintiff served on July 21, 2023.

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5. Plaintiff's First Set of Interrogatories to Defendant served on July 28, 2023.
6. Plaintiff's First Set of Requests for Production of Documents to Defendant served on July 28, 2023.
7. Plaintiff's Initial Disclosure of Witnesses and Documents served on July 28, 2023.
8. Plaintiff's First Set of Requests for Admission to Defendant served on July 28, 2023.
9. Plaintiff's Responses to Defendant's First Set of Interrogatories served on August 15, 2023.
10. Plaintiff's Responses to Defendant's First Set of Requests for Production of Documents served on August 15, 2023.
11. Plaintiff's Responses to Defendant's First Set of Requests for Admissions served on August 15, 2023.
12. Defendant's First Supplement to Initial Disclosure of Witnesses and Documents served September 8, 2023.
13. Plaintiff's Deposition was taken on September 21, 2023.
14. Plaintiff's Initial Disclosure of Witnesses and Documents served on September 21, 2023.
15. Defendant's Responses to Plaintiff's First Set of Interrogatories served on September 22, 2023.
16. Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents served on September 22, 2023.
17. Defendant's Second Supplement to Initial Disclosure of Witnesses and Documents served October 24, 2023.
18. Defendant's Third Supplement to Initial Disclosure of Witnesses and Documents served November 3, 2023.
19. Deposition of Defendant's 30(b)(6) Designee, January 30, 2024

II. Discovery to be Conducted (LR 26-4(b)):

1. Retain and disclose experts.
2. Percipient witness depositions
3. Expert depositions; and
4. Medical provider depositions

II. The Reasons the Remaining Discovery Cannot Be Completed within the Time Limits Set by the Discovery Plan (LR 26-4(c)):

Initial expert disclosures are due March 11, 2023. The parties have been working in a diligent and courtesy manner to complete discovery and not for the purpose of delay. Further, the Defendant's 30(b)(6) designee depositions took place on January 30, 2024. Following the deposition, additional information will need to be requested and it is yet determined if an expert is needed for such additional information, including information pertaining to non-hourly employees scheduled to work and obtaining a version of the video from the incident that is time and date stamped. The parties are also working toward resolving this matter and additional time is requested to work on settlement without the extra expense of experts.

III. Proposed Schedule for Completing All Remaining Discovery (LR 26-4(d)):

The current discovery deadlines are as follows:

- | | |
|---|-------------------|
| 1. Amend Pleadings and Add Parties (LR 26-1(b)(2)): | February 8, 2024. |
| 2. Initial Expert Disclosures (LR 26-1(b)(3)): | March 11, 2024. |
| 3. Rebuttal Expert Disclosures (LR 26-1(b)(3)): | April 11, 2024. |
| 4. Discovery Cutoff (LR 26-1(b)(1)): | May 9, 2024. |
| 5. Dispositive Motions (LR 26-1(b)(4)): | June 7, 2024. |

The parties propose extending all discovery deadlines by ninety (90) days as follows:

- | | |
|---|-------------------|
| 6. Amend Pleadings and Add Parties (LR 26-1(b)(2)): | February 8, 2024. |
| 7. Initial Expert Disclosures (LR 26-1(b)(3)): | June 11, 2024. |

8. Rebuttal Expert Disclosures (LR 26-1(b)(3)): July 11, 2024.
9. Discovery Cutoff (LR 26-1(b)(1)): August 12, 2024.
10. Dispositive Motions (LR 26-1(b)(4)): September 12, 2024.

DATED this 8th day of February, 2024 DATED this 8th day of February, 2024.

BRANDON | SMERBER LAW FIRM

HIGH STAKES INJURY LAW

/s/ Ryan Venci

/s/ Amber N. King, Esq.

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99 CENTS ONLY STORES, LLC

ORDER

IT IS SO ORDERED

Dated this 9 day of February, 2024.


UNITED STATES MAGISTRATE JUDGE